

JSN

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
INFORMAL BRIEF FOR HABEAS AND SECTION 2255 CASES

No. 19-7755, US v. Brian Hill

1:13-cr-00435-TDS-1, 1:17-cv-01036-TDS-JLW

RECEIVED
 2019 DEC 18 PM 12:30
 U.S. COURT OF APPEALS
 FOURTH CIRCUIT

1. Declaration of Inmate Filing

An inmate's notice of appeal is timely if it was deposited in the institution's internal mail system, with postage prepaid, on or before the last day for filing. Timely filing may be shown by:

- a postmark or date stamp showing that the notice of appeal was timely deposited in the institution's internal mail system, with postage prepaid, or
- a declaration of the inmate, under penalty of perjury, of the date on which the notice of appeal was deposited in the institution's internal mail system with postage prepaid. To include a declaration of inmate filing as part of your informal brief, complete and sign the declaration below:

Declaration of Non-Inmate Filing

Date Dkt. #227 NOTICE OF APPEAL deposited in the mail system: 11/23/2019

I am not an inmate confined in an institution but am on Supervised Release and deposited my notice of appeal in the mail system. First-class postage was prepaid by me. Certified mail tracking no. 7019-1120-0001-4751-4702. Mailed on November 23, 2019.

I declare under penalty of perjury that the foregoing is true and correct (see 28 U.S.C. § 1746; 18 U.S.C. § 1621).

Signature: Brian D. Hill

Date: 12/16/2019

[Note to inmate filers: If your institution has a system designed for legal mail, you must use that system in order to receive the timing benefit of Fed. R. App. P. 4(c)(1) or Fed. R. App. P. 25(a)(2)(A)(iii).]

2. Jurisdiction

Name of court from which you are appealing: U.S. District Court,
 Middle District of North Carolina

Date(s) of order or orders you are appealing:

Dkt. 219, ORDER signed by MAG/JUDGE JOE L. WEBSTER on 11/20/2019, that Petitioner's motion for leave to amend (Docket Entry [214]) is DENIED. (Civil Case number: 17CV1036) (Garland, Leah), Nov 20, 2019

3. Certificate of Appealability

Did the district court grant a certificate of appealability? Yes [] No [x]

If Yes, do you want the Court of Appeals to review additional issues that were not certified for review by the district court? Yes [] No []

If Yes, **you must** list below the issues you wish to add to the certificate of appealability issued by the district court. If you do not list additional issues, the Court will limit its review to those issues on which the district court granted the certificate.

4. Issues on Appeal

Use the following spaces to set forth the facts and argument in support of the issues you wish the Court of Appeals to consider on appeal. You must include any issue you wish the Court to consider, regardless of whether the district court granted a certificate of appealability as to that issue. You may cite case law, but citations are not required.

Issue 1. The District Court erred and abused discretion in denying Dkt. 214 Motion, as fraud upon the court is good cause for amending 2255 motion and fraud upon the court isn't subject to a statute of limitations concerning a Court's inherit power.

Supporting Facts and Argument.

The U.S. District Court under the Hon. Magistrate Judge Joe L. Webster erred and abused discretion in denying the Dkt. 214 "MOTION FOR LEAVE TO AMEND OR SUPPLEMENT HIS 2255 MOTION by BRIAN DAVID HILL. (1:17CV1036)". Part of the basis for the denial of that motion was any and all grounds for relief are time barred by The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2255, paragraph 6. However two grounds are not subject to any statute of limitations. (1) is Actual Innocence, See McQuiggin v. Perkins, 569 U.S. 383 (2013); (2) is challenging jurisdiction of a Court order/decision on the basis that such order/decision was grounded on fraud. Fraud is deceptive and deprives the affected party of due process of law, and thus the lower court would be in excess of jurisdiction to even enter a judgment. Fraud and actual innocence go hand-in-hand, go together because no reasonable juror would ever convict any criminal defendant that is ever able to prove that the prosecutor in a criminal case had engaged in one or multiple frauds upon the court. There is no good reason to even set a statute of limitations on the grounds/issues of actual innocence and fraud upon the court as barring even innocence and fraud claims creates a miscarriage of justice. When jurisdiction is challenged, the Court must prove that they had jurisdiction to have entered the order/judgment. When Petitioner had uttered the words "fraud upon the court" and "due process deprivation" in the 2255 Motion case, it is the Court's duty to investigate the frauds, and enter any vacatures of any Court order/judgment that was grounded in fraud and any orders that are in excess of jurisdiction. See section "Citation of case law, Memorandum of Law in support of this appeal and request for certificate of appealability". The years and history of the case laws involving challenges to jurisdiction and fraudulent begotten judgments in different courts across the country are well established case laws that explain how a lower court or even a higher court has the inherit authority/power to correct and vacate any fraudulent begotten judgments, and the power to vacate and nullify any orders/judgments that were in excess of jurisdiction or had no legal jurisdiction.

Issue 2. The Chief Judge had neglected, failed, and/or refused to even deal with the issues of fraud upon the court by an officer of the court Attorney Anand Prakash Ramaswamy in the 2255 case. It is a dereliction of duty.

Supporting Facts and Argument.

The reason it was appealed directly to the U.S. Court of Appeals instead of to the District Court Judge the Hon. Thomas D. Schroeder, is because there is an ongoing dereliction of duty, neglect, failure to, and/or refusal to address the issues of fraud upon the court. No matter what evidence is offered, no matter what claims is rebutted by the record disproving what Anand Prakash Ramaswamy argues and claims, no matter what witnesses and no matter what case law is cited as authorities, the District Court will not do anything to remedy the issues of "fraud upon the court". A Writ of Mandamus was also filed in the Fourth Circuit U.S. Court of Appeals for again the very reason of dereliction of duty and the District Court's refusal or hesitation to investigate the frauds, remedy the affected party of the frauds, and vacate the fraudulent begotten judgments that had no jurisdiction to even have been entered and enforced. See case no. 19-2338, In Re: Brian David Hill, currently ongoing appeal case.

The District Court on record had failed to take any action on any of the following fraud upon the court motions cited from the Docket:

Dkt. 217, "MOTION entitled "Request that the U.S. District Court Vacate Fraudulent Begotten Judgment, Vacate the Frauds upon the Court against Brian David Hill", filed by BRIAN DAVID HILL re: [199] Motion. Response to Motion due by 12/2/2019 (Attachments: # (1) Envelope - Front and Back) (Garland, Leah) Modified on 11/12/2019 to correctly link document. (Garland, Leah)".

Dkt. 213, "Objection by BRIAN DAVID HILL re[210] Recommended Ruling - Magistrate Judge re [168] MOTION filed by BRIAN DAVID HILL, [153] MOTION to Appoint Attorney filed by BRIAN DAVID HILL, [141] MOTION to Dismiss Motion to Vacate, Set Aside, or Correct Sen (Attachments: # (1) Envelope - Front and Back) (Butler, Carol)". --- Not a motion but also asserts fraud upon the court claims.

Dkt. 206, "MOTION entitled "Petitioner's Second Motion for Sanctions and to Vacate Judgment that was in Plaintiff's/Respondent's Favor; Motion and Brief/Memorandum of Law in support of Requesting the Honorable Court in this case Vacate Fraudulent begotten Judgment or Judgments" filed by BRIAN DAVID HILL. Response to Motion due by 11/5/2019. (Attachments: # (1) Exhibit 1, # (2) Exhibit 2, # (3) Supplement 1, # (4) Supplement 2, # (5) Supplement 3, # (6) Supplement 4, # (7) Envelope - Front and Back) (Garland, Leah)".

Dkt. 199, "MOTION entitled "Motion for Sanctions and to Vacate Judgment in Plaintiff's/Respondent's Favor" "Motion and Brief/Memorandum of Law in Support of Requesting the Honorable Court in this case Vacate Fraudulent Begotten Judgment or Judgments" filed by BRIAN DAVID HILL. Response to Motion due by 10/25/2019. (Attachments: # (1) Supplement 1, # (2) Supplement 2, # (3) Exhibit 1, # (4) Exhibit 2, # (5) Envelope - Front and Back) (Civil Case number: 17CV1036) (Garland, Leah)".

----- END -----

With allegations as serious as "fraud upon the court" (fraud on the court) being perpetuated by an officer or officers of the Court, the District Court taking no action or not taking the allegations seriously on its face and refusing or failing to investigate such matters is a dereliction of duty. It is neglect and taints the credibility of the Court, taints the integrity of the Court, and corrupts the very judicial machinery that is supposed to interpret the Constitution and laws of the United States, States, Counties, or any other legal form of body-politic. If the public record has allegations of fraud by an officer of the court and the court takes no action, then any law professor, investigator, or attorney will view these filings and see no action being taken, and will learn to distrust the Court or Courts, and such distrust from anybody of the public who reads the allegations and proof of fraud(s) within the record of a case. It will dissolve any respect for the court, and would create a dysfunctional tribunal operating on unverified theories and frauds being concluded falsely as facts, that frauds are considered true, and that telling lies instead of the truth is the method to winning a case in a Federal Court or State Court. It will be, whoever lies the best wins the case. False facts, fraud, and perjury will be accepted in such District Court. That should not be happening within any Judiciary of the United States and inside the United States. The lower and higher courts have a responsibility and a duty to correct frauds and lies by vacating fraudulent begotten judgments, to vacate judgments that were in excess of jurisdiction or had no jurisdiction. It is not simply discretionary but it is mandatory to vacate null/void orders.

Issue 3. The Anti-Terrorism and Effective Death Penalty Act one-year statute of limitations does not time-bar or block any independent action or any action involving a challenge of a void judgment or lack of jurisdiction to have entered the judgment or even a judgment "procured by fraud". It does not limit the inherit powers of equity of a Court.

Supporting Facts and Argument.

Again, see "Citation of case law, Memorandum of Law in support of this appeal and request for certificate of appealability". There is no statute of limitations on challenging a "fraud upon the court".

Actual Innocence is not barred by statute of limitations. Rule 60(b) of the Federal Rules of Civil Procedure which also has a statute of limitations just like with the 2255 motions, does not time-bar fraud upon the court claims and challenging a judgment/order for lack of jurisdiction. See Garcia v. Garcia, 712 P.2d 288 (Utah 1986). Fraud upon the court and actual innocence go together like a horse and carriage. When facts of guilt are proven false, it is fraudulent facts of guilt and thus favorable to the actual innocence of a criminal defendant/petitioner.

4. Relief Requested

Identify the precise action you want the Court of Appeals to take:

The Court of Appeals should vacate the lower court's decision denying the Dkt. 214 "MOTION FOR LEAVE TO AMEND OR SUPPLEMENT HIS 2255 MOTION by BRIAN DAVID HILL. (1:17CV1036)". Remand to the lower District Court to order that the Petitioner should be allowed to amend to his 2255 Motion an additional ground specifically on "fraud upon the court" based upon "fraud upon the court" and challenge to a court's jurisdiction is not subject to a statute of limitations when normally any other ground with exception to actual innocence is time barred. The Court of Appeals should instruct the District Court to allow the "Fraud Upon the Court" ground in Petitioner's 2255 motion as it pertains to proven frauds and the Court has neglected to settle the issues of their own orders grounded on fraud which are in excess of jurisdiction. This court has supervisory powers to end the frauds in the lower court once and for all.

5. Prior appeals (for appellants only)

A. Have you filed other cases in this court? Yes ☒ No ☐

B. If you checked YES, what are the case names and docket numbers for those appeals and what was the ultimate disposition of each?

(1) Case #19-2077, motion to dismiss by Appellant as moot, since requested relief was obtained
(2) Case #19-4758, still pending; (3) Case #19-2338, still pending; (4) Case #19-7483, still pending; (5) Case #19-7755, still pending; and (6) Case #19-7756, still pending. 5 Consecutive Appeals ongoing.

Past appeals that are closed: (1) Case #18-1160, District Court judgment affirmed; (2) Case #17-1866, District Court judgment affirmed or Dismissed interlocutory

Brian D. Hill
Signed

Signature

[Notarization Not Required]

Brian David Hill

[Please Print Your Name Here]

U.S.W.G.O.

Brian D. Hill - Ally of QANON
310 Forest Street, Apartment 2
Martinsville, Virginia 24112

CERTIFICATE OF SERVICE

I certify that on 12/16/2019 I served a the original of this Informal Brief on the Clerk, addressed as shown below, then request service of process under 28 USC § 1915(d):

Brian D. Hill
Signed

Signature

U.S.W.G.O.

Brian D. Hill - Ally of QANON
310 Forest Street, Apartment 2
Martinsville, Virginia 24112

To satisfy service of process, Appellant requests that the Clerk file the informal brief on CM/ECF system, and serve the party: United States of America through Notice of Electronic Filing which serves the document with the counsel(s) of the other party. This request is pursuant to 28 U.S. Code § 1915(d) "The officers of the court shall issue and serve all process, and perform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases." Certified Mail Tracking No. 7019-2280-0000-8093-8816

Citation of case law, Memorandum of Law in support of this appeal and request for certificate of appealability:

No statute of limitations or repose runs on its holdings, the matters thought to be settled thereby are not res judicata, and years later, when the memories may have grown dim and rights long been regarded as vested, any disgruntled litigant may reopen the old wound and once more probe its depths. And it is then as though trial and adjudication had never been. 10/13/58 FRITTS v. KRUGH. SUPREME COURT OF MICHIGAN, 92 N.W.2d 604, 354 Mich. 97.

There is no time limit when a judgment is void:

Precision Eng. V. LPG, C.A. 1st (1992) 953 F.2d 21 at page 22, Meadows v. Dominican Republic CA 9th (1987) 817 F.2d at page 521, In re: Center Wholesale, Inc. C.A. 10th (1985) 759 F.2d 1440 at page 1448, Misco Leasing v. Vaughn CA 10th (1971) 450 F.2d 257, Taft v. Donellen C.A. 7th (1969) 407 F.2d 807, and Bookout v. Beck CA 9th (1965) 354 F.2d 823. See also, Hawkeye Security Ins. V. Porter, D.C. Ind. 1982, 95 F.R.D. 417, at page 419, Saggars v. Yellow Freight D.C. Ga. (1975) 68 F.R.D. 686 at page 690, J.S. v. Melichar D.C. Wis. (1972) 56 F.R.D. 49, Ruddies v. Auburn Spark Plug. 261 F. Supp. 648, Garcia v. Garcia, Utah 1986 712 P.2d 288 at page 290, and Calasa v. Greenwell, (1981) 633 P.2d 555 at page 585, 2 Hawaii395. "Judgment was vacated as void after 30 years in entry," Crosby. V. Bradstreet, CA 2nd (1963) 312 F.2d 483 cert. denied 83 S.Ct. 1300, 373 US 911, 10 L. Ed. 2d 412. "Delay of 22 years did not bar relief," U.S. v. Williams, D.C. Ark. (1952) 109 F.Supp. 456.

>A motion to set aside a judgment as void for lack of jurisdiction is not subject to the time limitations of Rule 60(b). See Garcia v. Garcia, 712 P.2d 288 (Utah 1986).

>A judgment is void, and therefore subject to relief under Rule 60(b)(4), only if the court that rendered judgment lacked jurisdiction or in circumstances in which the court's action amounts to a plain usurpation of power constituting a violation of due process. United States v. Boch Oldsmobile, Inc., 909 F.2d 657, 661 (1st Cir. 1990)

>Where Rule 60(b)(4) is properly invoked on the basis that the underlying judgment is void, "relief is not a discretionary matter; it is mandatory." Orner v. Shalala, 30 F.3d 1307, 1310 (10th Cir. 1994) (quoting V.T.A., Inc. v. Airco, Inc., 597 F.2d 220, 224 n.8 (10th Cir. 1979)).

>In order for a judgment to be void, there must be some jurisdictional defect in the court's authority to enter the judgment, either because the court lacks personal jurisdiction or because it lacks jurisdiction over the subject matter of the suit. Puphal v. Puphal, 105 Idaho 302, 306, 669 P.2d 191, 195 (1983); Dragotoiu, 133 Idaho at 647, 991 P.2d at 379.

McQuiggin v. Perkins, 569 U.S. 383 (2013) "The District Court found that, even if the affidavits could be characterized as evidence newly discovered, Perkins had failed to show diligence entitling him to equitable tolling of AEDPA's limitations period. Alternatively, the court found, Perkins had not shown that, taking account of all the evidence, no reasonable juror would have convicted him. The Sixth Circuit reversed. Acknowledging that Perkins' petition was untimely and that he had not diligently pursued his rights, the court held that Perkins' actual-innocence claim allowed him to present his ineffective-assistance-of-counsel claim as if it had been filed on time. In so ruling, the court apparently considered Perkins' delay irrelevant to appraisal of his actual-innocence claim."

Citation of case law, Memorandum of Law in support of this appeal and request for certificate of appealability:

In *Stoesel v. American Home*, 362 S.W.2d 350, 199 N.E. 798 (1935), the court ruled and determined that, "Under Illinois Law and Federal Law, when any officer of the Court has committed "fraud on the Court", the order and judgment of that court are void and of no legal force and effect." In *Sparks v. Duval County Ranch*, 604 F.2d 976 (1979), the court ruled and determined that, "No immunity exists for co-conspirators of judge. There is no derivative immunity for extra-judicial actions of fraud, deceit and collusion." In *Edwards v. Wiley*, 374 P.2d 284, the court ruled and determined that, "Judicial officers are not liable for erroneous exercise of judicial powers vested in them, but they are not immune from liability when they act wholly in excess of jurisdiction." See also, *Vickery v. Dunnivan*, 279 P.2d 853, (1955). In *Beall v. Reidy*, 457 P.2d 376, the court ruled and determined, "Except by consent of all parties a judge is disqualified to sit in trial of a case if he comes within any of the grounds of disqualification named in the Constitution. In *Taylor v. O'Grady*, 888 F.2d 1189, 7th Cir. (1989), the circuit ruled, "Further, the judge has a legal duty to disqualify, even if there is no motion asking for his disqualification." Also, when a lower court has no jurisdiction to enter judgment, the question of jurisdiction may be raised for the first time on appeal. See *DeBaca v. Wilcox*, 68 P. 922. The right to a tribunal free from bias and prejudice is based on the Due Process Clause. Should a judge issue any order after he has been disqualified by law, and if the party has been denied of any of his/her property, then the judge has engaged in the crime of interference with interstate commerce; the judge has acted in his/her personal capacity and not in the judge's judicial capacity. See *U.S. v. Scinto*, 521 F.2d 842 at page 845, 7th circuit, 1996. Party can attack subject matter jurisdiction at anytime in the proceeding, even raising jurisdiction for the first time on appeal, *State v. Begay*, 734 P.2d 278. "A prejudiced, biased judge who tries a case deprives a party adversely affected of due process." See *Nelson v. Cox*, 66 N.M. 397.

Void order which is one entered by court which lacks jurisdiction over parties or subject matter, or lacks inherent power to enter judgment, or order procured by fraud, can be attacked at any time, in any court, either directly or collaterally, provided that party is properly before court, *People ex rel. Brzica v. Village of Lake Barrington*, 644 N.E.2d 66 (Ill.App. 2 Dist. 1994).

Void judgments generally fall into two classifications, that is, judgments where there is want of jurisdiction of person or subject matter, and judgments procured through fraud, and such judgments may be attacked directly or collaterally, *Irving v. Rodriguez*, 169 N.E.2d 145, (Ill.App. 2 Dist. 1960). Invalidity need to appear on face of judgment alone that judgment or order may be said to be intrinsically void or void on its face, if lack of jurisdiction appears from the record, *Crockett Oil Co. v. Effie*, 374 S.W.2d 154 (Mo.App. 1964).

A void judgment or order is one that is entered by a court lacking jurisdiction over the parties or the subject matter, or lacking the inherent power to enter the particular order or judgment, or where the order was procured by fraud, *In re Adoption of E.L.*, 733 N.E.2d 846, (Ill.App. 1 Dist. 2000). Void judgments are those rendered by court which lacked jurisdiction, either of subject matter or parties, *Cockerham v. Zikratch*, 619 P.2d 739 (Ariz. 1980).

A void judgment is one that has been procured by extrinsic or collateral fraud or entered by a court that did not have jurisdiction over the subject matter or the parties." *Rook v. Rook*, 233 Va. 92, 95, 353 S.E.2d 756, 758 (1987)

A void judgment which includes judgment entered by a court which lacks jurisdiction over the parties or the subject matter, or lacks inherent power to enter the particular judgment, or an order procured by fraud, can be attacked at any time, in any court, either directly or collaterally, provided that the party is properly before the court, *Long v. Shorebank Development Corp.*, 182 F.3d 548 (C.A. 7 Ill. 1999).

Citation of case law, Memorandum of Law in support of this appeal and request for certificate of appealability:

"A departure by a court from those recognized and established requirements of law, however close apparent adherence to mere form in method of procedure, which has the effect of depriving one of a constitutional right, is an excess of jurisdiction." *Wuest v. Wuest*, 127 P.2d 934, 937.

"Where a court failed to observe safeguards, it amounts to denial of due process of law, court is deprived of juris." *Merritt v. Hunter*, C.A. Kansas 170 F.2d 739.

The rule of "*Federal Rules of Civil Procedure, Rule 60. Relief from Judgment or Order*", does not limit the power of a court to entertain an independent action to relieve a party from a judgment, order, or proceeding, or to grant relief to a defendant not actually personally notified as provided in Title 28, U.S.C., § 1655, or to set aside a judgment for fraud upon the court. Writs of coram nobis, coram vobis, audita querela, and bills of review and bills in the nature of a bill of review, are abolished, and the procedure for obtaining any relief from a judgment shall be by motion as prescribed in these rules or by an independent action. Where necessary parties in government have actual notice of suit, suffer no prejudice from technical defect in service, and there is justifiable excuse for failure to serve properly, courts should not construe rule 4 of these rules governing service so rigidly, or construe this rule governing relief from orders so narrowly, as to prevent relief from dismissal, especially where dismissal signals demise of all or some of plaintiff's claims. *Jordan v. U.S.*, C.A.D.C. 1982, 694 F.2d 833, 224 U.S.App.D.C. 267. A liberal construction of this rule is particularly appropriate where equitable considerations are involved. *Johnson Waste Materials v. Marshall*, C.A.5 (Tex) 1980, 611 F.2d 593. This rule authorizing a court on motion to relieve a party or a legal representative from a final judgment or order for any reason justifying relief is to be liberally applied in a proper case, that is, in a case involving extraordinary circumstances or extreme hardship. *U.S.S. v. Cirami*, C.A.2 (N.Y) 1977, 563 F.2d 26, on remand 92 F.R.D. 483. See, also, *Marquette Corp. v. Priester*, D.C.S.C.1964, 234 F.Supp. 799; *U.S. v. \$3,216.59 in U.S. Currency*, D.C.S.C.1967, 41 F.R.D. 433. Subd. (b)(4) to (6) of this rule that court may relieve party from final judgment if it is void, if it is no longer equitable that judgment should have prospective application or for any other reason justifying relief from operation of judgment, is to be liberally construed to carry out purpose of avoiding enforcement of erroneous judgment. *Blanchard v. St. Paul Fire & Marine Ins. Co.*, C.A.5 (Fla.) 1965, 341 F.2d 351, certiorari denied 86 S.Ct. 66, 382 U.S. 829, 15 L.Ed.2d 73. This rule should be liberally construed for purpose of doing substantial justice. *In re Hankins*, N.D.Miss.1973, 367 F.Supp. 1370. See, also, *Fackelman v. Bell*, C.A.Ga.1977, 564 F.2d 734; *Radack v. Norwegian America Line Agency, Inc.*, C.A.N.Y.1963, 318 F.2d 538; *Triplett v. Azordegan*, D.C.Iowa 1977, 478 F.Supp. 872; *Tann v. Service Distributors, Inc.*, D.C.Pa.1972, 56 F.R.D. 593, affirmed 481 F.2d 1399. This rule establishing requirement for granting relief from a final judgment or order is to be given a liberal construction. *U. S. v. One 1966 Chevrolet Pickup Truck*, E.D.Tex.1972, 56 F.R.D. 459. 7. — Void judgment clause: Although this rule providing for relief from judgment is not substitute for appeal and finality of judgments ought not be disturbed except on very narrow grounds, liberal construction should be given this rule to the end that judgments which are void or are vehicles of injustice not be left standing. *Brennan v. Midwestern United Life Ins. Co.*, C.A.7 (Ind.) 1971, 450 F.2d 999, certiorari denied 92 S.Ct. 957, 405 U.S. 921, 30 L.Ed.2d 792.

>"A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well established law that a void order can be challenged in any court", *OLD WAYNE MUT. L. ASSOC. v. McDONOUGH*, 204 U. S. 8, 27 S. Ct. 236 (1907).

>"Jurisdiction, once challenged, cannot be assumed and must be decided." *Maine v Thiboutot* 100 S. Ct. 250.

>"The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings." *Hagans v Lavine* 415 U. S. 533.

Citation of case law, Memorandum of Law in support of this appeal and request for certificate of appealability:

>Where Rule 60(b)(4) is properly invoked on the basis that the underlying judgment is void, ““relief is not a discretionary matter; it is mandatory.” Orner v. Shalala, 30 F.3d 1307, 1310 (10th Cir. 1994) (quoting V.T.A., Inc. v. Airco, Inc., 597 F.2d 220, 224 n.8 (10th Cir. 1979)).

>In order for a judgment to be void, there must be some jurisdictional defect in the court’s authority to enter the judgment, either because the court lacks personal jurisdiction or because it lacks jurisdiction over the subject matter of the suit. Puphal v. Puphal, 105 Idaho 302, 306, 669 P.2d 191, 195 (1983); Dragotoiu, 133 Idaho at 647, 991 P.2d at 379.

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
Effective 12/01/2016

No. 19-7755 Caption: US v. Brian Hill, 1:13-cr-00435-TDS-1, 1:17-cv-01036-TDS-JLW

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT
Type-Volume Limit, Typeface Requirements, and Type-Style Requirements

Type-Volume Limit for Briefs: Appellant's Opening Brief, Appellee's Response Brief, and Appellant's Response/Reply Brief may not exceed 13,000 words or 1,300 lines. Appellee's Opening/Response Brief may not exceed 15,300 words or 1,500 lines. A Reply or Amicus Brief may not exceed 6,500 words or 650 lines. Amicus Brief in support of an Opening/Response Brief may not exceed 7,650 words. Amicus Brief filed during consideration of petition for rehearing may not exceed 2,600 words. Counsel may rely on the word or line count of the word processing program used to prepare the document. The word-processing program must be set to include headings, footnotes, and quotes in the count. Line count is used only with monospaced type. See Fed. R. App. P. 28.1(e), 29(a)(5), 32(a)(7)(B) & 32(f).

Type-Volume Limit for Other Documents if Produced Using a Computer: Petition for permission to appeal and a motion or response thereto may not exceed 5,200 words. Reply to a motion may not exceed 2,600 words. Petition for writ of mandamus or prohibition or other extraordinary writ may not exceed 7,800 words. Petition for rehearing or rehearing en banc may not exceed 3,900 words. Fed. R. App. P. 5(c)(1), 21(d), 27(d)(2), 35(b)(2) & 40(b)(1).

Typeface and Type Style Requirements: A proportionally spaced typeface (such as Times New Roman) must include serifs and must be 14-point or larger. A monospaced typeface (such as Courier New) must be 12-point or larger (at least 10½ characters per inch). Fed. R. App. P. 32(a)(5), 32(a)(6).

This brief or other document complies with type-volume limits because, excluding the parts of the document exempted by Fed. R. App. P. 32(f) (cover page, disclosure statement, table of contents, table of citations, statement regarding oral argument, signature block, certificates of counsel, addendum, attachments):

- ☒ this brief or other document contains 4531 [state number of] words
- ☐ this brief uses monospaced type and contains _____ [state number of] lines

This brief or other document complies with the typeface and type style requirements because:

- ☒ this brief or other document has been prepared in a proportionally spaced typeface using Adobe Acrobat Pro [identify word processing program] in 12, 13, and 14, informal font [identify font size and type style]; or
- ☐ this brief or other document has been prepared in a monospaced typeface using _____ [identify word processing program] in _____ [identify font size and type style].

(s) Brian D. Hill
Signed

Party Name Brian David Hill

Dated: 12/16/2019

INFORMAL BRIEF, No. 19-7755, US
v. Brian Hill, 1:13-cr-00435-TDS-1,
1:17-cv-01036-TDS-JLW

DO NOT SEAL

DO NOT SEAL

UNITED STATES
POSTAL SERVICE®

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE
CERTIFIED MAIL®

PRIORITY®
MAIL



7019 2280 0000 8093 8816

of delivery specified *

TRACKING™ included to many major
national destinations.

international insurance.

is available. *

supplies online. *

used internationally, a customs
label may be required.

only



00001000014

EP14F Oct 2018
OD: 12 1/2 x 9 1/2



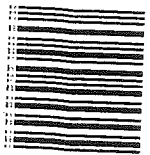
To schedule free
Package Pickup,
scan the QR code.

USPS.COM/PICKUP

Information. Certain didn't kill him off from the



1021



23219

U.S. POSTAGE PAID
PM 2-DAY MAIL
MARTINSVILLE, VA
24112
DEC 16, 19
AMOUNT
\$10.85
R2304N117627-04

FROM:

U.S.W.G.O.



Brian D. Hill - Ally of QANON
310 Forest Street, Apartment 2
Martinsville, Virginia 24112

INSPECTED

DEC 18 AM 19

U.S. TO:

Clerk of the Court
U.S. Court of Appeals
1100 East Main Street, Suite 501
Richmond, VA 23219